

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JEAN FERRER LEYVA-PAZOS,
NESTOR GOMEZ-ORTA, JONATHAN
BEALE, and JOSE GUADALUPE
GARCIA-LEMUS,

Defendants.

4:22CR3142

ORDER

Defendant Gomez-Orta has moved to continue the pretrial motion deadline and status conference, (Filing Nos. 41 and 42), because Defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motions to continue are unopposed. Based on the showing set forth in the motions, the court finds the motions should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motions to continue, (Filing Nos. 41 and 42), are granted.
- 2) As to all defendants, pretrial motions and briefs shall be filed on or before February 23, 2023.
- 3) A telephonic conference with counsel will be held before the undersigned magistrate judge at 11:00 a.m. on March 2, 2023 to discuss setting any pretrial motion hearing needed, a change of plea hearing, or the date of the jury trial and deadlines for disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.

- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to all defendants, the additional time arising as a result of the granting of the motion, the time between today's date and March 2, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 12th day of December, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge